

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

EVA XIA and PAUL PRIVITERA,  
Plaintiffs,

– against –

65 WEST 87TH STREET HOUSING  
DEVELOPMENT FUND CORPORATION,  
CHRISTINE ELBERT, SAMANTHA  
PINKOWITZ, ANTHONY SARMIENTO,  
AND ANGELA ROJO,  
Defendants.

**ORDER**

20 Civ. 3576 (ER)

Ramos, D.J.:

On August 25, 2020 Plaintiffs served a subpoena on Defendants' insurance claims administrator AmTrust. Defendants filed a motion to quash this subpoena on October 2, 2020. Doc. 47. The parties filed briefs on this issue, which were discussed at a discovery conference dated December 16, 2020. As delineated at this conference, the Court finds that Defendants have not met their burden to show that the following documents contained in Amtrust's claim file, as identified in the Declaration of Theodore Pannkoke, Doc. 50, are protected by the attorney work product privilege. The below documents therefore **must be produced** to Plaintiffs:

- **Pannkoke Decl. ¶¶ 21(a)–(f); (h)–(n); (r) and (w).**

However, Defendants have shown that other documents contained in the file are protected by the attorney work product privilege. Moreover, Plaintiffs have not shown a substantial need for them notwithstanding that privilege. Thus, Defendants **are not required** to produce the following documents to Plaintiffs:

- **Pannkoke Decl. ¶¶ 21(g); (o)–(q); (s)–(v); (x)–(bb).**

If Defendants have further objections to the production of Documents ¶¶ 21(a)–(f); (h)–(n); (r) and (w), they are instructed to provide Plaintiffs with a privilege log explaining these objections. If there are further disputes after the parties meet and confer on this issue, Defendants may submit these documents for the Court’s in camera review.

The Clerk of the Court is respectfully directed to terminate docket numbers 47, 51, 60 and 63.

It is SO ORDERED.

Dated: December 16, 2020  
New York, New York

A handwritten signature in blue ink, appearing to read 'Edgardo Ramos', is written above a horizontal line.

Edgardo Ramos, U.S.D.J.